

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

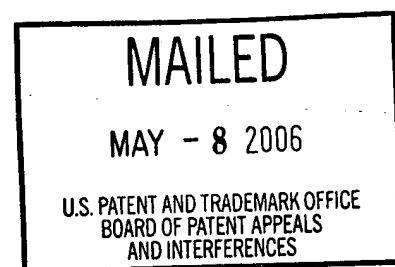
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte YONGWEI CAO and
WILLIAM E. TIMBERLAKE

Appeal No. 2006-0144
Application No. 09/819,091

ON BRIEF



Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge, and
ADAMS, Administrative Patent Judge.

Per curiam

DISMISSAL OF APPEAL

On April 25, 2006, counsel for the appellant filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

Murphy


Gary V. Harkcom, Vice Chief
Administrative Patent Judge

Gary V. Harkcom, Vice Chief
Administrative Patent Judge

Charles E. Adams

Donald E. Adams
Administrative Patent Judge

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